

REMARKS

In the Decision on Appeal decided 10/07/2009, the Board of Appeals has affirmed the Examiner's rejection of Claims 1, 4-7, 15 and 18-25 under 35 U.S.C. 103(a) as being unpatentable over Peng (U.S. Patent No. 6,317,754), in view of Delaney (U.S. Patent No. 6,374,289). Further, in the Decision on Appeal decided 10/07/2009, the Board of Appeals has affirmed the Examiner's rejection of Claims 2 and 16 under 35 U.S.C. 103(a) as being unpatentable over Peng, in view of Delaney, and further in view of Shostack (U.S. Patent No. 6,298,445). Additionally, in the Decision on Appeal decided 10/07/2009, the Board of Appeals has affirmed the Examiner's rejection of Claims 3 and 17 under 35 U.S.C. 103(a) as being unpatentable over Peng, in view of Delaney, in view of Shostack, and further in view of Verisign ("Verisign Gets US Approval for 128-bit Key Certificates Export"). In addition, in the Decision on Appeal decided 10/07/2009, the Board of Appeals has affirmed the Examiner's rejection of Claims 8 and 11 under 35 U.S.C. 103(a) as being unpatentable over Radatti (U.S. Publication No. 2002/0170052), in view of Delaney. Furthermore, in the Decision on Appeal decided 10/07/2009, the Board of Appeals has affirmed the Examiner's rejection of Claims 9 and 13 under 35 U.S.C. 103(a) as being unpatentable over Radatti, in view of Delaney, and further in view of Shostack. Also, in the Decision on Appeal decided 10/07/2009, the Board of Appeals has affirmed the Examiner's rejection of Claims 10 and 14 under 35 U.S.C. 103(a) as being unpatentable over Radatti, in view of Delaney, in view of Shostack, and further in view of Verisign.

Applicant respectfully asserts that such rejections have been overcome in view of the amendments made hereinabove to the independent claims. Specifically, applicant has amended the independent claims to at least substantially include the following:

“periodically broadcasting a single progress message including progress information to the plurality of peers indicating that the requested resource is in the process of being retrieved” (see this or similar, but not necessarily identical language in the independent claims).

Applicant respectfully asserts that Delaney teaches that “if any client requests a particular data package during the period required by client ‘A’ for downloading that package, preferably client ‘A’ sends a broadcast or multicast message indicating that the package is in the process of being downloaded” and that “[o]ther clients preferably automatically receive any responses from that polling action through the broadcast or multicast transmission, and thus will not be forced to poll for themselves.” (Col. 10, lines 26-35 – emphasis added)

However, teaching that if any client requests a particular data package during the period required by client “A” for downloading that package, the a broadcast message is sent indicating that the package is in the process of being downloaded, as in Delaney, simply fails to teach “periodically broadcasting,” much less “periodically broadcasting a single progress message including progress information to the plurality of peers indicating that the requested resource is in the process of being retrieved” (emphasis added), as claimed by applicant. Clearly, broadcasting a message indicating that a package is being downloaded if any client requests the package, as in Delaney, simply fails to teach “periodically broadcasting a single progress message including progress information to the plurality of peers” (emphasis added), as specifically claimed by applicant.

Further, applicant has amended the independent claims to at least substantially include the following:

“informing a service server on the responding peer that a local copy of the retrieved resource now exists” (see this or similar, but not necessarily identical language in the independent claims).

Applicant respectfully asserts that Delaney teaches that “[t]he requesting client continues polling the serving client until the data package download is complete” (Col. 10, lines 62-64). However, polling the serving client until the data package download is complete, as in Delaney, simply fails to suggest applicant’s claimed “informing a service

server on the responding peer that a local copy of the retrieved resource now exists”
(emphasis added), as claimed by applicant.

Additionally, applicant has amended the independent claims to at least substantially include the following:

“wherein a file name of the retrieved resource indicates a version of the retrieved resource, a file added to the retrieved resource specifies an original name of the retrieved resource, and the original name is utilized to verify the file name of the retrieved resource” (see this or similar, but not necessarily identical language in the independent claims).

Applicant respectfully asserts that Peng teaches that “[u]pon receiving the summarizing version vector of the first server, the second server sends to the first server its summarizing version vector, followed by all of the identifiers of objects which exist in the second server and that can support differential synchronization” (Col. 5, lines 43-47 – emphasis added). Further, Peng teaches that “[i]f the received object or update has a version vector or time stamp older than or equal to the version vector of the corresponding object in the first server, this object or update will be thrown away” (Col. 6, lines 54-57 – emphasis added).

However, teaching that the second server sends to the first server its summarizing version vector, in addition to teaching that if the received object or update has a version vector or time stamp older than or equal to the version vector of the corresponding object in the first server, this object or update will be thrown away, as in Peng, simply fails to suggest “a file name of the retrieved resource” or “an original name of the retrieved resource,” much less applicant’s specifically claimed technique “wherein a file name of the retrieved resource indicates a version of the retrieved resource, a file added to the retrieved resource specifies an original name of the retrieved resource, and the original name is utilized to verify the file name of the retrieved resource” (emphasis added), as claimed by applicant. Clearly, a summarizing version vector, a version vector of a

received object, and a version vector of the corresponding object, as in Peng, simply fails to even suggest that “a file name of the retrieved resource indicates a version of the retrieved resource, a file added to the retrieved resource specifies an original name of the retrieved resource, and the original name is utilized to verify the file name of the retrieved resource” (emphasis added), as specifically claimed by applicant.

Thus, a notice of allowance or specific prior art showing of each of the foregoing claim elements, in combination with the remaining claimed features, is respectfully requested. To this end, all of the independent claims are deemed allowable. Moreover, the remaining dependent claims are further deemed allowable, in view of their dependence on such independent claims.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 505-5100. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 50-1351 (Order No. NAI1P275).

Respectfully submitted,
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